

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	CASE NO. CR06-444-RSL
Plaintiff,)	
)	
v.)	SUMMARY REPORT OF U.S.
)	MAGISTRATE JUDGE AS TO
JAMES LOWELL PHILLIPS,)	ALLEGED VIOLATIONS
)	OF SUPERVISED RELEASE
Defendant.)	
_____)	

An initial hearing on supervised release revocation in this case was scheduled before me on November 26, 2010. The United States was represented by AUSA Marci Ellsworth for Jim Lord and the defendant by Michele Shaw. The proceedings were digitally recorded.

Defendant had been sentenced on or about June 29, 2007 by the Honorable Robert S. Lasnik on a charge of Burglary of a Pharmacy, and sentenced to 27 months custody, 3 years supervised release. (Dkt. 27.)

The conditions of supervised release included the standard conditions plus the requirements that defendant abstain from alcohol, be prohibited from entering any establishment where alcohol is the primary commodity, participate in a substance abuse program, submit to

01 search, participate in a mental health program, pay restitution in the amount of \$20,446.00,
02 provide his probation officer with access to financial information upon request, maintain a single
03 checking account for a financial transactions, disclose all bank accounts, business interests, assets
04 and liabilities to his probation officer, and be prohibited from incurring new credit obligations
05 or lines of credit without permission.

06 On May 6, 2009, defendant's supervised release was modified to require participate in
07 the home confinement program with electronic monitoring for 120 days. (Dkt. 30.) On June 2,
08 2009, defendant's supervised release was modified to prohibit him from entering any gambling
09 establishment, or participating in any legal or illegal gambling. (Dkt. 31.) The defendant
10 admitted violating the conditions of supervised release by using methamphetamine on or about
11 May 27, 2009. He was continued on supervised release. (Dkt. 42.)

12 On October 29, 2009, defendant's probation officer reported that he violated the
13 conditions of supervised release by using methamphetamine on or before September 9, 2009.
14 Defendant was reprimanded, placed in a structured testing program, referred for counseling and
15 intensive outpatient treatment, and a community based residential program. No further action
16 was taken at the time. (Dkt. 45.) On March 23, 2010, defendant admitted violating the conditions
17 of supervised release by committing the crime of vehicle theft on or about November 3, 2009,
18 failing to notify his probation officer at least 10 days in advance of any change in residence,
19 failing to report for drug testing, failing to participate as instructed by his probation officer in a
20 drug treatment program, and possession of drug paraphernalia. (Dkt. 65, 65) He was sentenced
21 to six months in custody, 30 months supervised release.

22 On September 9, 2010, defendant admitted violating the conditions of supervised release

by committing the crime of malicious mischief third degree. (Dkt. 73.) He was continued on supervised release and sentenced to time served. (Dkt. 77.)

In an application dated November 16, 2010 (Dkt. 79), U.S. Probation Officer Steven R. Gregoryk alleged the following violations of the conditions of supervised release:

1. Using methamphetamine on or before October 17, 2010, in violation of standard condition No. 7.

2. Failing to reside in and satisfactorily participate in a residential reentry center for a period of up to 120 days as instructed, in violation of the general condition of supervision.

Defendant was advised in full as to those charges and as to his constitutional rights.

Defendant admitted alleged violation number 1 and waived any evidentiary hearing as to whether it occurred. He requested an evidentiary hearing before Judge Lasnik on alleged violation 2.

I therefore recommend the Court find defendant violated his supervised release as alleged in violation 1, and that violation 2 be set for evidentiary hearing before Judge Lasnik.

Pending further hearing, defendant has been detained.

DATED this 26th day of November, 2010.


Mary Alice Theiler
United States Magistrate Judge

cc:	District Judge:	Honorable Robert S. Lasnik
	AUSA:	Jim Lord
	Defendant's attorney:	Michele Shaw
	Probation officer:	Steven R. Gregoryk